

These minutes were approved by the Board on 10.20.2020

**MEETING MINUTES  
BOARD OF NURSING HOME ADMINISTRATION**

July 21, 2020

**1. ROLL CALL**

The meeting of the Board of Nursing Home Administration was called to order by Alexander Willford, Chairperson, at 1:07 p.m. in Licensure Unit Conference Room, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board Members and other interested parties in accordance with the Open Meetings Law.

**Members Present:**

Shannon Buckminster, Member  
Amie Clausen, Member  
Karen Jones, Member  
Natalie Manley, MD, Member  
Theresa Parker, Secretary  
Debra Sutton, Member  
Alexander Willford, Chairperson

**Members Absent:**

Linda Bryant, Member  
Amy Fish, Vice Chairperson

**Others Present:**

Kris Chiles, Program Manager, Licensure Unit  
Heidi Weiand, Health Licensing Coordinator, Licensure Unit  
Natalee Hart, Assistant Attorney General  
Anna Harrison, Compliance Monitor  
Pat Lemke, DHHS Investigations

**2. ADOPTION OF AGENDA**

**MOTION:** Parker moved, seconded by Jones, to adopt the agenda. A roll call vote was taken. Voting aye: Buckminster, Clausen, Jones, Manley, Parker, Sutton, Willford (7). Voting nay: none (0). Absent: Bryant, Fish (2). Motion Carried.

**3. APPROVAL OF MINUTES (1.21.20)**

Defer to the end of the meeting, Chiles resent the minutes to the board members to review.

1:07 p.m. Fish entered the meeting

**4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION  
CLOSED SESSION**

**MOTION:** Fish moved, seconded by Sutton, to enter into closed session at 1:10 p.m. to hear discussions of investigative/other confidential nature, and for the prevention of needless injury to the reputation of the individuals. Willford repeated the purpose of the motion. A roll call vote was taken. Voting aye: Buckminster, Clausen, Fish, Jones, Manley, Parker, Sutton, Willford (8). Voting nay: none (0). Absent: Bryant (1). Motion Carried.

**5. APPLICATION REVIEW, RECOMMENDATION AND REPORT OUT ON MAIL BALLOTS  
OPEN SESSION**

Willford stated no further closed session details needed to be discussed and entered into open session at 1:18 p.m. Verbal agreement with the board members. No applications needed review.

1:20 p.m. Lemke exited the meeting  
1:21 p.m. PM entered the meeting

1:59 p.m. Buckminster exited the meeting

## **6. NEW BUSINESS, REPORTS AND UPDATES**

### **a. COVID-19:**

**Executive Order 20-10** <http://govdocs.nebraska.gov/docs/pilot/pubs/eofiles/20-10.pdf>

This EO does not pertain to Nursing Home Administrators but could impact other professions that work in a Nursing Home Facility. This EO was made effective on March 27, 2020 and will remain in effect until 30 days after the lifting of the COVID-19 state of emergency.

Manley inquired if we were still in a state of emergency, Chiles advised yes that if there were any changes, they will be announced by Governor Ricketts or information can be found on the Nursing Home Administrator home page <http://dhhs.ne.gov/licensure/Pages/Nursing-Home-Administrator.aspx>

### **Section 1**

The provisions of Neb. Rev. Stat. § 38-121 regarding credentialing, and its implementing regulations, are hereby temporarily suspended in order to permit individuals who are properly and lawfully licensed to engage in advanced practice nursing, emergency medical services, medicine and surgery, mental health practice, nursing, osteopathy, perfusion, pharmacy, psychology, respiratory care, and surgical assisting in a U.S. state or territory to work in Nebraska during the state of emergency so long as they are in good standing and free from disciplinary action in the states where they are licensed;

Also under the EO 20-10 regarding home study courses for continuing education:

The Department will not enforce any limit on the number of continuing education hours obtained online or by home study for renewal or reinstatement of any type of license during the State Declaration of Public Health Emergency. The Department will be as flexible as possible for renewals that take place following the emergency. If licensees obtained online or home study CE hours during the emergency because in-person courses were not available, the Department will accept those CE hours even if the renewal (expiration date) for that profession takes place after the emergency has ended. Communication will be sent to licensees once any subsequent renewal period begins so that licensees know when the limits for online or home study CE are back in place.

**Executive Order 20-27** <http://dhhs.ne.gov/Documents/EO-20-27-Credentialing-of-the-COVID-19-Workforce.pdf>

This EO does not pertain to Nursing Home Administrators but could impact other professions that work in a Nursing Home Facility. This EO was made effective on June 17, 2020 and will remain in effect until January 1, 2021.

### **Section 2**

The provisions of the UCA and its implementing regulations requiring that persons seeking credentialing successfully complete an examination prior to obtaining credentials are temporarily suspended solely in order to permit persons to obtain a provisional credential, which shall remain active pending examination results or until December 31, 2020, whichever is sooner, provided the person has completed all other requirements for licensure, including, but not limited to, completion of the required education or training program, and registers for the examination, but is unable to take the examination in the near future due to the lack of approved online testing or the limited availability of in-person testing slots;

<http://dhhs.ne.gov/licensure/Documents/ExecOrderProvLicenseInfo.pdf>

### **Section 3**

The provisions of the UCA and its implementing regulations requiring that credential holders or students seeking credentials complete courses or training, or take examinations, in person are temporarily deferred until December 31, 2020, solely in order to permit education, training, and testing to continue using electronic or remote technology whenever possible;

#### Section 4

The provisions of the UCA and its implementing regulations requiring that persons seeking credentials complete work or training with an onsite supervisor, with face-to-face or direct supervision, or under any type of practice agreement are temporarily deferred until December 31, 2020, solely in order to permit supervisors to provide remote supervision if the supervisor determines this is appropriate;

#### Section 10

DHHS shall afford credential holders under the UCA the opportunity to request waivers of continuing competency as part of the renewal process as provided for in Neb. Rev. Stat. § 38-146(2);  
<http://dhhs.ne.gov/licensure/Documents/ContCompWaiverInfo.pdf>

The Department may waive continuing competency requirements, in whole or in part, when a credential holder submits documentation that "circumstances beyond his or her control have prevented completion of such requirements." Waivers may be considered for circumstances lasting longer than 30 consecutive days that DHHS determines are beyond the credential holder's control. Such circumstances can include, but are not limited to, a shortage of available continuing competency courses resulting from an officially declared state of emergency.

Willford asked if the waiver is denied is there an appeal process? Chiles stated the department will be reviewing all documents for waiver consideration.

#### b. 172 NAC 106 Status and Board Re-Approval:

The Attorney General's office has reviewed the regulations but had some additional questions for the department. Chiles is asking for a re-review and asking for revisions.

- 1) Clarification on Section 5 – has been redrafted
- 2) Section 6 – citation was incorrect and has been corrected
- 3) Section 9.02 – has been deleted

**MOTION:** Fish moved, seconded by Jones to adopt the changes to the regulations. A roll call vote was taken. Voting aye: Clausen, Fish, Jones, Manley, Parker, Sutton, Willford (8). Voting nay: none (0). Absent: Bryant, Buckminster, Sutton (3). Motion Carried. Sutton had exited the meeting during the discussion of the regulation changes. Chiles will forward the Nebraska Administrative Code Certificate of Adoption document to Willford for his signature.

2:15 p.m. Bryant entered the meeting from a location outside of Nebraska and cannot participate so she exited the meeting

#### c. Reports and Updates:

- 2020 Legislation Session – Resumed 7.20.20 until 8.13.20.
- National Association of Long Term Care Administrator Boards (NAB) – Fish reported she was to attend a meeting in Hawaii for the exam writing committee, it was cancelled, they have officially cancelled the annual meeting California that was scheduled in October
- LeadingAge Nebraska - Willford – liability relief from association
- Nebraska Health Care Association – Public (Heath Boddy) stated there is a planned convention this fall but could be cancelled.
- Reports - Disciplinary and Non-Disciplinary Actions Taken/Statistics

#### Examination Statistics from January 1, 2020 to July 21, 2020:

NHA only – 3 pass, 3 fail

CORE only – 4 pass, 0 fail

#### License and Certificate Statistics:

Administrator Overseeing More than 1 Nursing Home – 21

NHA AIT – 2

NHA Mentoring Trainee – 6

NHA Preceptor – 75

NHA – 426

Provisional NHA – 22

### **3. APPROVAL OF MINUTES (1.21.20)**

**MOTION:** Parker moved, seconded by Jones, to approve the 1.21.20 minutes. A roll call vote was taken. Voting aye: Clausen, Fish, Jones, Manley, Parker, Willford (6). Voting nay: none (0). Absent: Bryant, Buckminster, Sutton (3). Abstain: (0). Motion Carried.

Weiland will email minutes to Parker for signature after the meeting.

Jones announced this was her last meeting due to she is retiring.

The upcoming meeting is scheduled for 10.20.20. No further information presented and the Chair declared the meeting adjourned at 2:39 p.m.

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Theresa Parker, Secretary  
Board of Nursing Home Administration

Summarized by: Heidi Weiland, Health Licensing Coordinator, Licensure Unit